

BILL NO. 2007-77

ORDINANCE NO. _____

AN ORDINANCE TO IMPLEMENT SECTION 4.040 OF THE CITY CHARTER RELATIVE TO THE APPOINTMENT OF CERTAIN HEARING COMMISSIONERS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steve Wolfson

Summary: Implements Section 4.040 of the City Charter relative to the appointment of certain hearing commissioners.

WHEREAS, during its 74th Session held in 2007, the Nevada Legislature amended the City Charter of the City of Las Vegas in various respects, including the adoption of a new Section 4.04 of the Charter, reading as follows:

Sec 4.040. 1. The City Council may appoint one or more Hearing Commissioners to hear and decide:

(a) Any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.379; and

(b) Any action for a misdemeanor constituting a violation of the Las Vegas Municipal Code, except chapter 11.14 of that Code.

2. Each Hearing Commissioner must:

(a) Be a duly licensed member, in good standing, of the State Bar of Nevada;

(b) Be a resident of the State;

(c) Be a qualified elector in the City;

(d) Have been a bona fide resident of the City for not less than 1 year next preceding his appointment; and

(e) Not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline.

3. In connection with any action of a type described in subsection 1, a Hearing Commissioner has all the powers and duties of a Municipal Judge and a magistrate pursuant to the laws of this State. To the extent possible and practicable, the proceedings in such actions must be subject to and governed by the provisions of the laws of this State, this Charter and city ordinances pertaining to Municipal Judges.

4. Hearing Commissioners shall receive such compensation as may be allowed by the City Council.

and

WHEREAS, the City Council now desires to implement Section 4.040 of the City Charter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: By means of this Ordinance, the City Council hereby indicates its intent to implement the provisions of Section 4.040 of the City Charter relative to the appointment of hearing

1 commissioners.

2 SECTION 2: Hearing Commissioners to be appointed by the City Council pursuant
3 to this Ordinance may be referred to as Traffic Commissioners and, in addition to the applicable
4 qualifications and limitations set forth in the City Charter, shall:

5 (A) Be recruited by standard procedures used by the Department of Human
6 Resources;

7 (B) Meet such additional qualifications and requirements as may be established by
8 the City;

9 (C) Be considered appointive employees of the City who serve at the pleasure of
10 the City Manager, but are not appointive officers under the Charter and have no appeal rights
11 thereunder;

12 (D) Receive judicial supervision from the Chief Judge of the Municipal Court, as
13 well as general direction from the Court Administrator;

14 (E) Have jurisdiction over, and be assigned to hear and decide, misdemeanor
15 actions arising under NRS Chapter 484 and corresponding violations of the Municipal Code, except
16 actions concerning violations of NRS 484.379 or LVMC Chapter 11.14; and

17 (F) Perform such functions, consistent with Subsection (E), as may be established
18 for the position during the recruitment process and thereafter by the Chief Judge and the Court
19 Administrator.

20 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
21 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
22 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
23 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
24 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
25 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
26 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
27 invalid or ineffective.

28 ...

1 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____, 2008.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 _____
11 BEVERLY K. BRIDGES, CMC
12 City Clerk

13 APPROVED AS TO FORM:

14 Val Steed 12-5-07
15 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2008, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, CMC
City Clerk

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